Part of #1 ce

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of)
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AMMERMANN et al.)
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Serial No. 09/403,654)

Filed (National Stage); October 25, 1999
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For: EXPRES$IQN QF FUNGICIDE-BINDING POLYPEPTIOE$ IN PLANTS FOR GENERATING FUNGICIDE TOLERANCE

DECLARATION

1, Andreas Reindl, declare as follows:

1 am a citizen of the Federal Republic of Germany and reside at Brunhildestr. 24, 68199 Mannheim, Germany.

1 studied at the University of Tübingen, (Germany, from 1989 to 1994 and received a doctor of natural sciences degree from said University in 1997.

1 have been employed by BASF Aktiengesellschaft of 67056 Ludwigshafen Germany since 1997.

1 have reviewed U.S. Patent Application Serial No. *09/403,654*. (PCT/EP98/02242) and 1 am familiar with the technology to which it pertains. 1 have also studied the Office action of July 17, 2001 in said application.

The invention disclosed in the aforementioned patent application is a method for producing a fungicide or herbicide-tolerant plant by transforming a plant with a gene encoding a fungicide or herbicide-binding polypeptide. in the method, said gene is obtained by first immunizing an animal with the fungicide or herbicide to produce a polyclonal Serum of said polypeptide. A monoclonal cell line which produces the

polypeptide is then produced. The mRNA encoding the polypeptide is then isolated and the corresponding cDNA is synthesized. Finally, the cDNA is used to transform the plant. The fungicide or herbicide of particular interest in the application is methyl methoxyimino-α,(o-tolyloxy)-o-tolylacetate (BAS 490F). At the time of the invention, a person having ordinary skill in the would have been able to carry out these steps. Furthermore, no genetic or physiological information about the fungicidal/herbicidal action is necessary to produce a fungicide or herbicide-resistant/-tolerant plant according to the invention. In other words, the invention itself includes process steps for isolating a nucleotide sequence and these steps would have been understood by the skilled worker in the field. Consequently, the disclosure of the nucleotide sequence is not necessary to make use of the invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements *made* on Information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Andreas Reindl

Date: 29/01/02
day/month/year